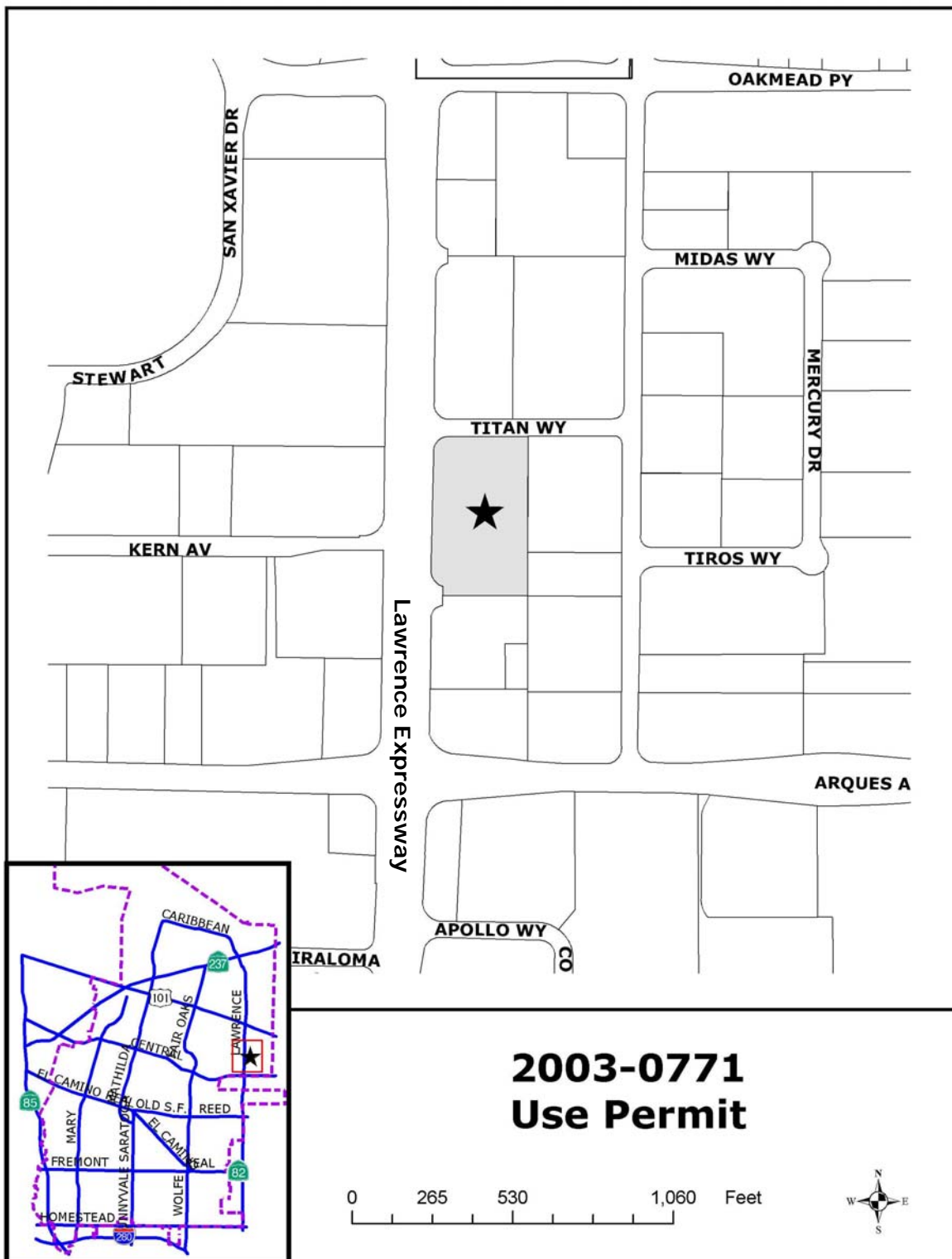


CITY OF SUNNYVALE REPORT Planning Commission



PROJECT DATA TABLE

	<u>EXISTING</u>	<u>PROPOSED</u>	<u>REQUIRED/ PERMITTED</u>
General Plan	Industrial	Industrial	Same
Zoning District	M-S	M-S	Same
Lot Size	3.77 acres	3.77 acres	NA
Gross Floor Area (s.f.)	48,900 (tenant space 2,100)	48,900 (tenant space 1,100)	57,477 max.
Floor Area Ratio (FAR)	31%	31%	35%max.
No. of Buildings On-Site	3	Same	By Use Permit
Building Height (ft.)	16-33	Same	75max.
No. of Stories	1 - 2	Same	8 max.
Parking			
• Total No. of Spaces*	265	265	265 min.*
• No. of Standards	240	240	282 min.
• No. of Compacts / % of total	18(6.8%)	18(6.8%)	10 %max.

*Previous variances approved from minimum parking requirements (includes 59 off site spaces)

ANALYSIS**Background**

The site has had numerous applications related to a variety of tenants in the building. The original Use Permit granted in 1977 requires the Planning Commission review particular uses that are not purely commercial or office. In addition, the site is related to the abutting properties to the south through existing cross access and parking agreements. The following table summarizes pertinent previous planning applications related to the subject site.

File Number	Brief Description	Hearing/Decision	Date
UP 3534	Original office/retail site approval	PC/Approved	10-10-77
UP 3960 VAR 79-37	Allow 5,050 sq. ft. rest. use existing center, parking variance for 33 spaces	PC/Approved	7-23-79

File Number	Brief Description	Hearing/Decision	Date
VAR 83-37 UP 4950	Church of Scientology office and worship, variance for 18 parking spaces	PC/Approved	5-9-1983
VAR 5347	Bakery restaurant use of 48 seats variance for 14 parking spaces	PC/Denied	9-24-1984
VAR 86-26 UP 5911	Bakery restaurant use of 26 seats variance for 8 parking spaces	PC/Denied	11-5-1986
UP 6351	Massage Parlor	PC/Denied	9-12-1988
DP 9157	Tanning Salon	Admin/Denied	12/1996

Description of Proposed Project

It should be noted that a Variance application for minimum parking requirements was included in the public notice for this project. Upon further analysis of the site and the proposed project it was determined that a Variance was not needed to meet the parking requirements. Therefore, only a Use Permit is under consideration at this time.

The application is for the conversion of existing space into an instructional dance studio. The classes will be held throughout the day and are described as available to all ages and have a small group size of up to eight students at one session. The venue is not intended to be entertainment oriented or for performances. The proposed tenant space is being subdivided to 1,100 square feet leaving a remnant tenant space of 1,000 square feet vacant from the current 2,100 square foot space.

Environmental Review

A Class 1 Categorical Exemption relieves this project from California Environmental Quality Act provisions. Class 1 Categorical Exemptions include changes of use to existing facilities.

Use Permit

Site Layout: The overall site is comprised of three buildings with a multitude of office and commercial uses. The buildings are configured in a U shape with the side and rear walls facing Lawrence Expressway and the front facades oriented towards the internal parking lot (Attachment 3, Site Plan). Customer access to the businesses is directly from the internal parking lot. There are no walkup entrances or vehicle entrances from Lawrence Expressway. The proposed use is located at the north end of the middle building.

In addition to the main parking lot located between the three buildings, the site is served by 59 parking spaces situated on the abutting property to the south. The properties to the south are occupied by additional commercial enterprises including a fitness center. The parking spaces are functionally shared by all of the commercial enterprises between Titan Way and Arques Avenue and do not exclusively serve the subject 520 Lawrence Expressway site.

Use: The application is for a tenant improvement for an instructional dance studio with a dance floor of approximately 800 square feet with a 1,100 square foot tenant space. The remaining space would be for customer waiting and business administration. The classes are proposed to be held throughout the day and each day of the week. The class size is described by the applicant as having up to eight persons at one time.

As a condition for approving the original use permit and subsequent permits, Planning Commission approval is required for uses not judged by the Director of Community Development to be oriented towards serving the surrounding industrial area or uses that are oriented toward highway traffic. Staff believes the proposed use will be serving a market outside of the adjacent industrial development and as such requires Planning Commission authorization.

Upon reviewing past permits the intent behind the restrictive conditioning of uses on this site serves two purposes. The first is to maintain a range of commercial uses that primarily support the adjacent businesses and does not displace these support uses with an activity that serves a broader audience. Displacing the business serving uses would increase travel time and congestion for reaching basic services in the industrial area. The second reason for reviewing the uses is to maintain a functional parking environment on site that does not intrude upon the abutting uses or conflict with the City's transportation system.

Dance Instruction Analysis

The proposed dance instruction use is not oriented towards pass-by customers or casual patronage like a fast food restaurant, mail service, or even a fitness center. The proposed use's type of customer base will be pre-scheduled for visits and is deemed to serve an expanded market area rather than a local neighborhood. General commercial uses are typically targeted for commercial zones with some occupancy in service industrial zones.

The site is geographically located well for serving a larger area due to its location along Lawrence Expressway and close proximity to Arques Avenue and US Highway 101. There is a sequence of commercial centers in close proximity to the subject site that provide similar food and other basic services to the adjacent industrial area. The proposed use's nature of operation is not

anticipated to cause a conflict with the existing businesses on site or surrounding industrial uses.

Parking/Circulation:

The site was originally approved in 1977 with a parking arrangement for complete occupancy of the site as retail and office uses. A subsequent variance application in conjunction with a use permit for the St. John's restaurant were approved for the site to allow 206 spaces on site and 59 spaces on the abutting property to the south and a reduced parking requirement of 33 spaces for the restaurant. A subsequent variance of an additional 18 parking spaces was granted for the offices and worship activities of the Church of Scientology, this specific use is no longer operating at this site. Variances for parking requirements for a bakery with up to 48 seats were denied in 1980s. The parking lots are all well connected for vehicular traffic from Titan Way to Arques Avenue and Lawrence Expressway.

Historically concerns have been expressed about a "tight" parking supply on the site during previous permit reviews. Recent staff visits in the afternoon time frame indicate available spaces within the internal parking lot, and numerous spaces available along the rear property line and in the 59 space allotment offsite. The center does have a moderate level of vacancy at this time. Peak adjacent fitness center usage has caused complaints about available parking south of the subject site in the past, but they do not directly affect the subject site's parking availability.

Parking Ratios

The proposed use is not specifically addressed in Title 19 as to the required number of parking spaces for a dance studio. The most pertinent standards to consider for the dance studio are Shopping Center and Recreational Assembly. The three categories are discussed below. Staff believes applying the equivalent of a retail rate to the use is sufficient for addressing parking demand of the use.

The *Shopping Center* rate is applied generically to all permitted uses within a shopping center with additional staff analysis of parking requirements when anyone type of non-retail use exceeds 10% of the gross floor area of the shopping center. The shopping center rate is applied to all the uses on this site that are permitted without Planning Commission review and may be applied to new uses reviewed by the Planning Commission. Roughly 20 percent of the site is occupied with food service establishments and the remaining businesses are a mix of service commercial, personal services and small office uses.

Recreational Assembly is generally used for activities or uses such as gyms, dance halls, clubs, or assembly of more than 20 persons. The rate of parking is then 1 space per 3 seats, 1 space per 21 square feet, plus 1 space per 400 square feet of other space. This is the densest standard of parking in Title 19 and yields a need for 39 parking spaces to serve the use as defined by square footage of the 1,100 sq. ft. tenant space and dance floor. The occupancy of the space would not reach such high levels due to Building Code limitations of up to 16 people for the dance floor size, not the 38 as calculated under these parking ratios. The applicant is proposing up to ten persons on site for classes. The assembly parking ratio may not be the best fit for capturing the impact of the proposed use under the scope of the application under review.

In summary, the dance studio's occupancy for instructional purposes is best captured by a rate similar to that of permitted uses in the shopping center and results in no net change in parking demand. If the proposed use is classified as a Recreational Assembly the parking supply is deficient for the proposed use. The Use Permit would require either approval of a variance or denial of the application.

Compliance with Development Standards

Generally upkeep of the center is satisfactory at this time. General parking lot landscaping (tree shading) is deficient per the current standards. Due to the low impact and minor modifications to the tenant space for the proposed use, staff is not requiring additional trees be planted in the parking medians. Recycling and trash enclosure capacity will be evaluated by the Solid Waste Division during building permit review.

Findings, General Plan Goals and Conditions of Approval

The proposed use, while not serving the adjacent industrial uses, is compatible in terms of operation with the uses permitted in the shopping center and generally within the M-S zone. The subject use and corresponding size of the tenant space are quite small and would have an insignificant affect on abutting uses. The subject site is also one of many commercial centers located in this area and it is not necessary to require this center provide 100% support uses for the area. The site is situated well to serve an expanded regional audience due to its proximity to large transportation facilities.

The parking supply on site is an important issue that may have impacts to both existing businesses and potentially on traffic utilizing public streets if it is not adequate for all uses. The site has a reduced parking supply per prior variances for existing restaurant uses and a now defunct church use. These variances established an operating standard for a parking supply that the

proposed use is compatible with by inclusion of limitations on levels of occupancy and hours of operation.

Staff was able to make the required Findings based on the justifications and analysis of the site.

- Findings and General Plan Goals are located in Attachment 1.
- Conditions of Approval are located in Attachment 2.

Fiscal Impact

No fiscal impacts other than normal fees and taxes are expected.

Public Contact

Notice of Public Hearing	Staff Report	Agenda
<ul style="list-style-type: none">• Published in the <i>Sun</i> newspaper• Posted on the site• Mailed to the adjacent property owners of the project site	<ul style="list-style-type: none">• Posted on the City of Sunnyvale's Website• Provided at the Reference Section of the City of Sunnyvale's Public Library	<ul style="list-style-type: none">• Posted on the City's official notice bulletin board• City of Sunnyvale's Website• Recorded for SunDial

Alternatives

1. Approve the Use Permit with conditions as proposed by Staff.
2. Approve the Special Development Permit and an appropriate variance to minimum parking requirements.
3. Approve the Use permit with modified conditions.
4. Deny the Use Permit.

Recommendation

Recommend Alternative 1 to the Planning Commission

Prepared by:

Kelly Diekmann
Project Planner

Reviewed by:

Gerri Caruso
Principal Planner

Reviewed by:

Trudi Ryan
Planning Officer

Attachments:

1. Findings
2. Conditions of Approval
3. Site and Architectural Plans
4. Letter from the Applicant *Justifications*

Findings - Use Permit

Land Use and Transportation Element

Policy N1.3 Support a full spectrum of conveniently located commercial, Public, and quasi-public uses that add to the positive image of the city.

Policy N1.7 Support the location of convenient retail and commercial services (e.g. restaurants and hotels) in industrial areas to support business, their customers and their employees.

Policy N1.13 Promote an attractive and functional commercial environment.

1. The proposed use does attain the objectives and purposes of the General Plan of the City of Sunnyvale.

The proposed use is within the character of the existing shopping center and is compatible with its existing uses and adjacent uses in the M-S zone. A variety of commercial opportunities are provided in this vicinity and the proposed use will support not detract or displace the basic support uses available in this area. The site is well suited, due to its transportation proximity, to serve an expanded market area that would be customer base of the proposed use.

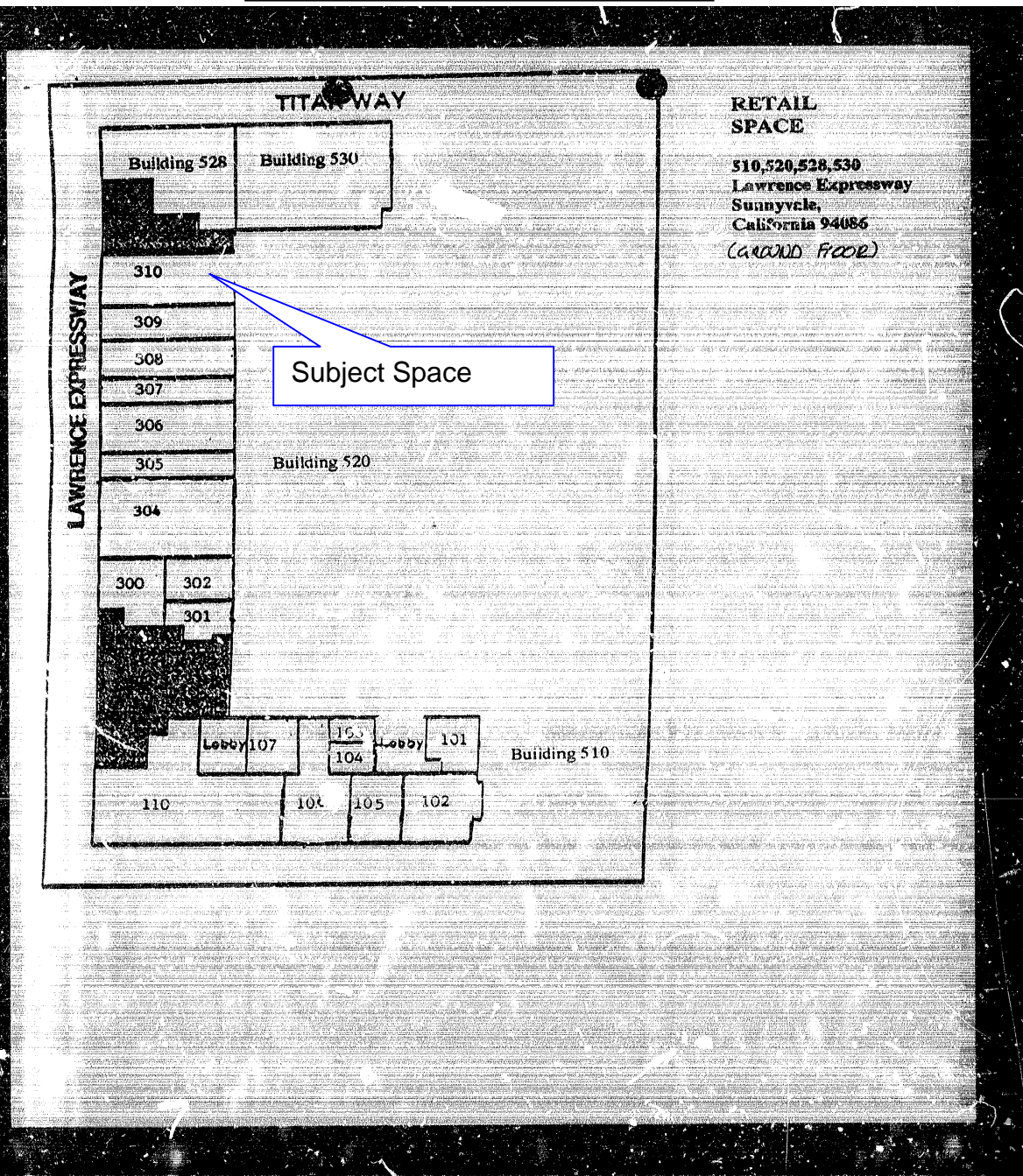
2. The proposed use is desirable, and will not be materially detrimental to the public welfare or injurious to the property, improvements or uses within the immediate vicinity and within the Zoning District. The site improvements will improve the existing conditions and the use will not exacerbate the parking demand while providing additional economic opportunities for an aging shopping center.

Conditions of Approval - Use Permit

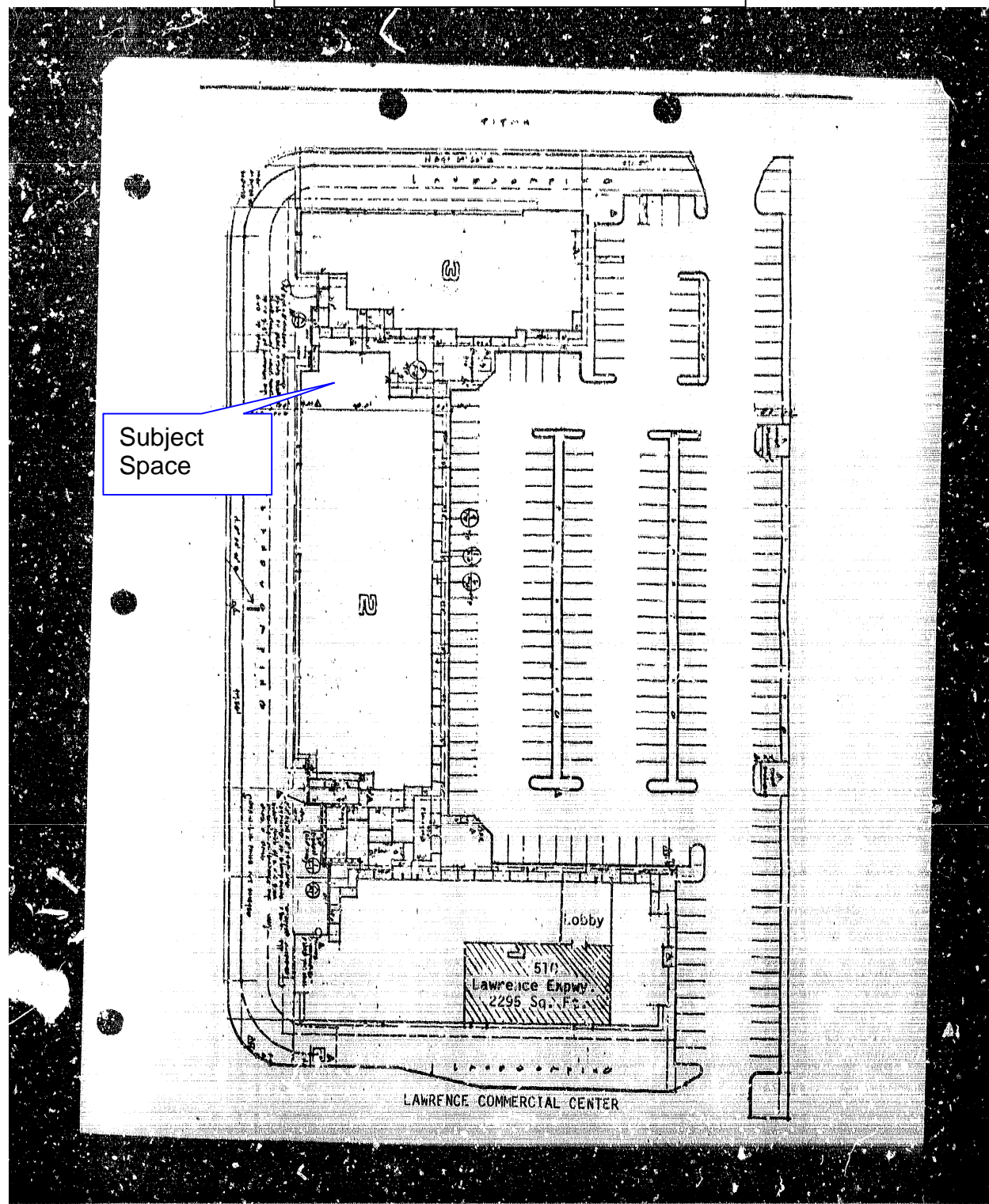
In addition to complying with all applicable City, County, State and Federal Statutes, Codes, Ordinances, Resolutions, the Permittee expressly accepts and agrees to comply with the following Conditions of Approval for this Permit.

1. This Special Development Permit shall expire within two years from the date of approval if not exercised.
2. Major modification or expansion of the approved 1,100 sq. ft. use, including an 800 square foot instructional dance floor, shall be approved by the Director of Community Development through a subsequent Administrative Hearing. Minor modifications may be approved at staff level by the Director of Community Development.
3. Dancing productions, recitals, or performances for either public or private viewing are prohibited.
4. Maximum class size shall be no more than 8 students, with typically one to two supervisory/instructional personnel.
5. The applicant/property owner shall obtain the necessary building permits as required by Sunnyvale Municipal Code 16.18.020.
6. Final conditions of approval shall be reproduced cover sheet of the building permits.
7. Accessible parking and path of travel shall be provided for per building code.
8. Modifications to existing trash and recycling enclosures may be required upon review of the waste management plan by the Solid Waste division. Such improvements shall be incorporated into the first building permit issued for the site.
9. Any new exterior roof protrusions, which exceeds sixteen inches, shall be screened except those noted by Sunnyvale Municipal Code 19.38.020. Screening shall be reviewed by the Director of Community Development.

Tenant Numbering Subject Site



General On-site Parking Configuration



General Parking Configuration

